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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,924	11/17/2003	Richard York	100202701-1	4218

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EXAMINER	
DUNHAM, JASON B	
ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,924	<b>Applicant(s)</b> YORK, RICHARD	
	<b>Examiner</b> Jason B. Dunham	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1,9,11,16,25, and 26 have been amended and claims 27-48 have been added in the applicant's amendment filed April 11, 2006 in response to the first office action dated January 12, 2006.

The previous 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection is moot in view of amended claims 9 and 11.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6, 12, 16-21, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawrence (U.S. Patent Application Publication No. 2002/0138371).**

Referring to claim 1. Lawrence discloses a method of verifying orders for fraud prevention comprising:

- Assigning a risk factor with an incoming order (Lawrence: abstract); and
- Based upon the risk factor that is assigned to the incoming order, verifying a set of information associated with the risk factor in order to detect fraud associated with the incoming order (Lawrence: paragraph 23).

Referring to claim 2. Lawrence further discloses a method wherein an incoming order may be associated with one of the risk factor of low risk, medium risk, or high risk (Lawrence: paragraph 24).

Referring to claim 3. Lawrence further discloses a method comprising prior to assigning the risk factor to the incoming order, outsourcing the incoming order into an outsort queue (Lawrence: paragraphs 24 & 30). The examiner notes that Lawrence discloses the risk management system receiving information from transactions placed in a marketplace in the order in which they are received, a method of sorting into a queue.

Referring to claims 4-6. Lawrence further discloses a method comprising verifying the set information to permit fraud investigation process that requires a lower, increased, or higher amount of resources and time, if the incoming order has been associated with a risk factor of low, medium, or high risk, respectively (Lawrence: paragraphs 12 & 23).

Referring to claim 12. Lawrence further discloses a method wherein the order is received in a website (Lawrence: abstract & paragraph 59).

Referring to claims 16-21 & 25-26. Claims 16-21 & 25-26 are rejected under the same rationale set forth above. Lawrence discloses an apparatus and computer readable medium for performing the above methods (Lawrence: paragraph 17).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-11, 13-15, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (U.S. Patent Application Publication No. 2002/0138371) in view of Kawecky (U.S. Patent No. 5,963,625).**

Referring to claim 7. Lawrence further discloses a method wherein the action of verifying the set of information comprises:

- Reviewing an order history for a customer (Lawrence: paragraph 15);
- Reviewing an internet protocol address for the order, if the order is received from the internet (Lawrence: paragraph 39);
- If the internet protocol address is from a vendor that will respond to the order, then searching for a name of the customer in a directory of the vendor (Lawrence: paragraph 40);
- Lawrence discloses all of the above but does not expressly disclose performing an auto-number identification search. Kawecky discloses a method of verifying information by performing an auto-number identification search (Kawecky: abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence to have included performing an auto-number identification search, as taught by Kawecky, in order to block undesirable transactions (Kawecky: abstract).
- Accepting the order if the set of information is verified (Lawrence: paragraph 9).

Referring to claim 8. The combination and Lawrence and Kawecky discloses all of the above and further discloses a method of verifying a set of information comprising:

- Searching for a billing or shipping name, address, auto-number identification number, or phone number in a search tool (Kawecky: column 2, lines 19-41 & column 8, lines 4-19);
- Searching the shipping address in an address search tool that can verify information about addresses (Kawecky: column 8, lines 4-19);
- Calling a phone number for a bank, if the phone number is available (Kawecky: column 10, lines 53-64). The examiner notes that Kawecky discloses querying a credit card company to verify information.
- Accepting the order if the set of information is verified (Lawrence: paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence to have searched for billing or shipping names, addresses, and phone numbers, as taught by Kawecky, to further prevent fraudulent transactions (Kawecky: abstract).

Referring to claim 9. Lawrence further discloses a method wherein the search tool is a customer verification service (Lawrence: abstract).

Referring to claim 10. The combination and Lawrence and Kawecky discloses all of the above and further discloses a method of verifying a set of information comprising:

- Searching the billing name and address and auto-number identification number in a second search tool (Kawecky: column 7, lines 17-36);

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- Permitting an employee of the company to verify customer information with the bank or the customer to confirm the order (Kawecki: column 8, lines 37-56); and
- Accepting the order if the set of information is verified (Lawrence: paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence to have searched for billing or shipping names, addresses, and phone numbers in a second search tool or contact the bank or customer directly, as taught by Kawecki, to further prevent fraudulent transactions (Kawecki: abstract).

Referring to claim 11. Lawrence further discloses a method wherein the search tool is a search service (Lawrence: abstract).

Referring to claim 13. Claim 13 is rejected under the same rationale set forth above.

Referring to claims 14-15. Lawrence discloses all of the above as noted under the 102 (b) rejection, but does not expressly disclose a method wherein the order is an order for a product or a service. Kawecki discloses a method wherein the order is an order for a product or a service (Kawecki: abstract & column 7, lines 51-57). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence wherein the order is an order for a product or a service, as taught by Kawecki, as they common reasons for online transactions (Kawecki: abstract & column 7, lines 51-57).

Referring to claims 22-24. Claims 22-24 are rejected under the same rationale set forth above.

**Claims 27-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (U.S. Patent Application Publication No. 2002/0138371) in view of Mandler (U.S. Patent No. 5,732,400).**

Referring to claim 27. Lawrence further discloses a method wherein assigning the risk factor comprises:

- Assigning a first risk factor with the incoming order (Lawrence: abstract & paragraph 24);
- Wherein verifying the set of information comprises: verifying a first set of information associated with the first risk factor (Lawrence: paragraph 23); and
- Lawrence discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose reclassifying the incoming order with a second risk factor if information in the first set is not verifiable. Mandler discloses a method of verifying incoming orders for fraud prevention wherein if information in the first set is not verifiable, then reclassifying the incoming order with a second risk factor and verifying a second set of information associated with the second risk factor (Mandler: abstract & column 7, lines 29-52). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence to have included reclassifying the incoming order with a second risk factor if information in the first set is not verifiable, as taught by Mandler, in order to make a real time determination of a risk classification for a buyer (Mandler: abstract).



Referring to claim 28. The combination of Lawrence and Mandler further discloses a method wherein the first risk factor comprises a low risk factor and the second risk factor comprises a medium risk factor (Lawrence: paragraphs 23 & 24).

Referring to claim 29. The combination of Lawrence and Mandler further discloses a method wherein the incoming order is placed in a first memory area when the first risk factor is assigned to the incoming order and wherein the incoming order is placed in a second memory area when the second risk factor is assigned to the incoming order (Mandler: figures 2,5a, &5b, and column 10, lines 27-51). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Lawrence to have included placing the incoming order in different memory areas depending on the risk factor, as taught by Mandler, in order to provide different rules for the credit analysis performed on each buyer (Mandler: column 10, lines 27-51).

Referring to claims 30-32. Claims 30-32 are rejected under the same rationale set forth above in the rejection of claims 27-29. The examiner notes that the combination of Lawrence and Mandler discloses a method of classifying incoming orders according to their respective risk factors and placing the orders in the according database (memory area).

Referring to claims 33-48. Claims 33-48 are rejected under the same rationale set forth above in the rejection of claims 27-32.

***Response to Arguments***

Regarding claim 1, applicant argues that Lawrence does not disclose a method where a risk factor is assigned to an order and where verification is performed on a set of information associated with the risk factor assigned to the order for purposes of detecting fraud, as substantially recited in claim 1. The examiner notes that Lawrence discloses, "A computerized system gathers and stores information in a database....and relates the information to risk factors pertaining to the transaction" in paragraph 23. Claims 2-6,12,16,17-21,25, and 26 are rejected under the same rationale.

Regarding claim 4, applicant argues that Lawrence does not disclose a method wherein a fraud investigation that requires a lower amount of resource and time, if the incoming order has been associated with a low risk factor. The examiner notes that Lawrence discloses, "Actions commensurate with a risk level can be presented to assist with the proper risk management" in paragraph 23.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that Kawecky does not disclose performing verification on a set of information associated with a risk factor assigned to an order. The examiner notes that **combination** of Lawrence and Kawecky does disclose this feature, as noted in Lawrence, paragraph 23. Claims 7-11,13-15, and 22-24 are rejected under the same rationale.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

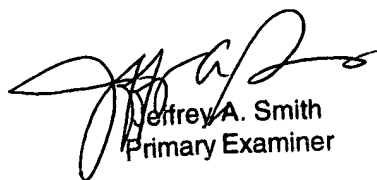
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD  
Patent Examiner  
6/28/06



Jeffrey A. Smith  
Primary Examiner